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C H A P. XII.

An ACT for the Regulation of the Militia of this State.

WHEREAS the laws now in force for the regulation of the militia of this state, are found inadequate to the beneficial purposes intended thereby, for the defence of the state in the present times of danger and alarm, and it is expedient to alter the same :

Be it therefore enacted by the honorable the Senate and House of Representatives, of the said state, now met, and sitting in General Assembly, and by the authority of the same, That every captain in every regiment of militia, shall, as soon as may be, after the passing of this act, and once in every two months thereafter, make out an exact list of the names of every free male inhabitant within the district of his company, from the age of sixteen to fifty years, and return an exact copy thereof to the adjutant of the regiment to which he belongs, who shall therefrom make out an exact roll of the officers and privates of such regiment, and certify the same to the commanding officer of such regiment, who shall return a copy thereof to the commanding officer of brigade, to which such regiment belongs, who shall return the same to the governor or commander in chief, within thirty days thereafter, on pain, that every such captain, adjutant, commanding officer of a regiment, or commanding officer of a brigade, neglecting or refusing so to do, shall, for every such offence, forfeit, if a captain or adjutant, thirty Mexican dollars; forty Mexican dollars, if a field officer of a regiment, and sixty Mexican dollars if the commanding officer of a brigade.

And be it further enacted by the authority aforesaid, That the several brigades, regiments, and companys of militia, within this state, shall remain as at present established; and where any vacancies by death, removal or resignation, shall happen, the governor or commander in chief shall issue new commissions to fill them up: Provided that where any vacancy of colonel of a regiment shall happen, there shall be no new appointment to such vacancy, but that a lieutenant-colonel commandant shall be appointed to the command of all such regiments, and an additional major.

And be it further enacted by the authority aforesaid, That on requisition from the governor, a draught shall be made of one fourth part of the militia, to serve in the field or garrison, for one or more months, according to the season of the year; that

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that is to say, for one month from the first day of April to the last day of July, and for two months at every other season of the year; and that every such draught shall relieve each other, at these respective times, in constant succession; and that every delinquent who shall neglect or refuse to obey the summons of his commanding officer, to march or repair to such place as he shall be ordered, shall be sent for by such commanding officer, by an armed party, and obliged to serve double the length of time for which he was draughted, unless he shall make such excuse as shall be satisfactory to the commanding officer of the regiment, then present, to which he belongs. And every person who shall be summoned to march as aforesaid, and who shall appear without being properly armed and accoutred, shall, for every such offence, be obliged to serve double the length of time for which he was draughted, unless he shall make it appear to the satisfaction of the militia court appointed to try such offender, that he doth not possess, nor hath not had it in his power to procure such arms. Whereas extraordinary emergencies arising at the times of changing the draughts of militia, may require their longer service, it shall and may be lawful in such cases, for their officers to detain them ten days longer than the aforesaid terms of service, and no longer.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor or commander in chief, with the advice and consent of the privy council, to order any part of the militia, not exceeding one third-part, to the relief of any sister state, where they shall remain as long as the service may require, or the governor or commander in chief shall think expedient, not exceeding three months, unless a relief is ordered, and on their march, in which case they shall remain fifteen days, and no longer. And the governor and commander in chief, with the advice of the privy council, is hereby directed from time to time, to order other draughts to march in due time, to relieve the former; and the militia while in such state, shall be governed by the militia laws of this state, and no other.

And be it further enacted by the authority aforesaid, That the militia when on duty, shall be subject to, and governed by the following rules and regulations: First. Any person who shall raise, or attempt to raise any mutiny or sedition in any regiment, troop, or company, or shall be found sleeping on his post, shall be obliged to serve for any time, not exceeding twelve months, in one of the continental regiments of this state. Second. That in case of desertion from camp at ordinary times, he shall be compelled to serve double the length of time he was otherwise liable to; but in case of such desertion in the face of the enemy during action, or

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when a disposition shall be made for an action, such deserter shall be put into one of the continental regiments, and be compelled to serve for the war. Third. Any person who shall presume to sleep out of camp, or be absent from duty without leave of his officer, shall, if an officer, forfeit ten dollars; if a private, he shall serve ten days longer than he was otherwise liable to; but if an action should happen during his absence from camp, if an officer, he shall be cashiered, and turned into the ranks, and shall be obliged to serve two months extraordinary, immediately after being so reduced; if a private, he shall be put into one of the continental regiments of this state, not exceeding twelve months. Fourth. Any non-commissioned officer or private, who shall be found guilty of plundering, or taking the property of the inhabitants of this state, contrary to orders, shall serve in one of the continental regiments, for any time, not exceeding twelve months, as to a court martial shall seem fit. Fifth. If a commissioned officer shall be found guilty of the crimes last mentioned, he shall be cashiered, and turned into one of the continental regiments of this state, as a private, in which he shall be obliged to serve for one year. Sixth. Any person whilst on duty, who shall wilfully disobey the lawful commands of his superior or commanding officer, shall for every such offence, if an officer, be cashiered, and turned into the ranks, and shall be obliged to serve forty days extraordinary, immediately after being so reduced; if a private, to be sentenced to serve for a term, not exceeding one year, in the continental service. Seventh. Any officer or private who shall be found drunk on guard, or at any other time of duty, if an officer, be cashiered, and turned into the ranks, or receive such other punishment as the court shall inflict; if a non-commissioned officer or private, he shall be confined till sober, and serve ten days longer than he was otherwise liable to. Eighth. Any person who shall by discharging of fire arms, or by any other means whatsoever, intentionally occasion a false alarm in camp or garrison, if an officer, he shall be cashiered, reduced to the ranks, and shall be obliged to serve forty days extraordinary, immediately after being so reduced; if a non-commissioned officer or private, he shall serve fifteen days longer than he was otherwise liable to. Ninth. Any officer, non-commissioned officer or private, who shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall be tried in like manner as is hereafter provided for the trial of spies, and on conviction shall suffer death, or such other punishment as shall be inflicted by the sentence of the court.

And be it further enacted by the authority aforesaid, That the trial of every offender against this law, shall be immediate and summary, and shall be had and held in manner following, that is to say, if a non-commissioned officer or private by five,

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or if they cannot conveniently be procured, by three commissioned officers; if a captain or subaltern by five, or if they cannot conveniently be procured by three commissioned officers, of which two shall be captains, if a field officer by seven, or if they cannot conveniently be procured by five officers, two of which shall be field officers; which trial shall be ordered, and the persons holding the same, nominated by the commanding officer of the detachment, regiment, or brigade, to which the person accused belongs; and that each member of the court, previous to his sitting on such trial, shall take the following oath, I (A. B.) do swear, that I will impartially, without fear, favour, or prejudice, hear and determine the offender's case or cases, according to the best of my skill and ability, and agreeable to the militia law now in force, and to the evidence to be produced: So help me God. And every such person so ordered to sit on the trial of such offender, who shall refuse to act, shall be deemed guilty of a disobedience of orders, and shall be tried and punished accordingly. But the trial of a brigadier for any offence against the law, shall be before the governor and privy council.

And be it further enacted by the authority aforesaid, That if any persons are found wandering about in any part of the country to which they do not belong, and are suspected of a design to evade duty, they shall be liable to be taken up by the captain or other officer of the district in which they shall be so found, and made to do duty with him, unless they shall produce a certificate of their doing duty with, or belonging to some particular district, from any officer of such district, not below the rank of a captain.

And be it further enacted by the authority aforesaid, That the sentence or verdict of every court, shall be transmitted within one week, to the commanding officer of the regiment to which such offender belongs, if below the rank of a field officer, and if a field officer, to the commanding officer of the brigade: Which officers shall respectively have power to remit or mitigate the same. And when any fines shall be inflicted, and the delinquent shall neglect paying the same, ten days after judgment is passed against him, the officer to whom the trial of the said delinquent shall have been transmitted, shall issue his warrant directed to any serjeant of the district, to levy the same by distress and sale of the said delinquents goods and chattles, that all fines inflicted by virtue of this act, shall be paid as follows, that is to say, one fourth part to the serjeants, who shall levy or receive the same, and the other three fourths shall be paid into the public treasury of this state, and shall be applied to the support of the indigent families of such persons as have been killed or maimed in the defence thereof.

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And be it further enacted by the authority aforesaid, That the brigadiers general shall order such regimental and ordinary musters as they shall think necessary; the regimental musters not oftener than three times in a year, and the ordinary ones, not oftener than once a month, at which respective musters, every person liable to bear arms, shall appear properly armed and accoutred, on pain of forfeiting two dollars for every offence.

And be it further enacted by the authority aforesaid, That no person liable to serve in the militia, shall enter with or join any other regiment, troop or company, than that in which they actually reside, except to take a commission, or to enroll themselves in the Charlestown battalion of artillery, or enlist as a private in the continental service,

And be it further enacted by the authority aforesaid, That the serjeants and corporals of the several companies shall be appointed by a majority of the commissioned officers of such companies, and be obliged to serve one year; and every serjeant after such appointment, who refuses to serve, shall pay a fine of sixteen dollars, and every corporal, a fine of six dollars. That all processess issued by virtue of this act, shall be served and executed by the serjeants of the respective companies, who shall be entitled to the same fees as are usually allowed to constables, and one fourth part of all the fines to be recovered by virtue of this act.

And be it further enacted by the authority aforesaid, That every brigadier, field officer or captain, when on actual service, may impress by warrant under their hand, directed to any commissioned or non-commissioned officer, any provisions, forage, horses, waggons, boats, or necessaries which they may stand in need of for the service; which warrant, any person offering to impress, shall, if required, be obliged to produce to the owner of any such goods: And that for any provisions and forage so impressed, receipts shall be given, specifying the quality and quantity, and the detachment for which the same had been impressed; and that every other article so impressed, shall before disposed of to the public use, be appraised by three freeholders or indifferent persons, who shall be previously sworn for that purpose, a copy of which appraisement, with a receipt for the goods so impressed, shall be given by the officer who shall impress them, to the owner thereof. And for every good waggon, team and driver employed in the public service, shall be allowed a sum not exceeding three Mexican dollars per day.

And be it further enacted by the authority aforesaid, That such parts of the militia as shall be left at home, shall, when it shall be thought necessary by the commanding

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manding officer of the company who remains with them, be formed into patrols, of at least six men each, with a captain of patrol to each, to be appointed by the said officer, who shall ride patrol in the district of the company to which such patrol belongs, and keep in their several districts peace and good order; and every such commanding officer of a company as aforesaid, who shall neglect to appoint such patrols, when necessary, shall, for every such neglect, forfeit and pay a fine of eight dollars, and every other person appointed to, or obliged to serve in such patrols, who shall refuse or neglect the duties thereof, shall, for every such offence, forfeit and pay a fine of two dollars.

And be it further enacted by the authority aforesaid, That every offender against this act, who shall be sentenced to perform extraordinary duty in the militia, and who shall neglect or refuse to perform the same, shall be obliged to serve in one of the continental regiments of this state, not exceeding a twelve month.

AND WHEREAS the laws of this state have not hitherto been adequate to the punishment of spies who may be found within the same, or lurking about militia camps or garrisons:

Be it enacted by the authority aforesaid, That any justice of the peace or militia officer in this state, shall have full power and authority, to take and apprehend any person, whom he shall have good reason to suspect of being a spy or emissary from the enemy, or of holding correspondence with, or giving intelligence to them, and if he cannot give a good and satisfactory account of himself, such justice or militia officer, shall cause such suspected person to be conducted to the nearest post or division of a commanding officer of brigade, which commanding officer of brigade, shall order a court of thirteen officers, of which, one at least shall be a field officer, to sit for the trial of such spy or suspected person, which court shall take an oath to try the case referred to them, according to the laws and practice of nations, and usage of war, and if a majority of said officers shall pass sentence of condemnation, and the commanding officer of brigade, approve of the same, such sentence of death, shall and may be executed, according to the usage of war.

And be it enacted by the authority aforesaid, That the following persons shall be excused from regimental and ordinary musters, and all other militia duty, to wit, the lieutenant-governor and members of the privy council, with their officers; all clergymen regularly licenced in this state; all school masters who have under their tuition not less than fifteen scholars; the members of the legislature and their officers, while sitting or called to sit; judges and clerks of the courts of sessions; the

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the commissioners of the treasury; the post-master and post-riders; two pilots for the port of George-Town, and two for the port of Beaufort, while they actually attend their duty; one white man to each established ferry, while he actually resides at the same; one white man to each water grist mill; the sheriffs and ordinaries of the several districts; three white men to each of the forges, and five to each of the furnaces erected at the iron mines in this state, who shall constantly reside at, and work on the same; also such persons as shall be brought from other states to work on the same; those officers who have held commissions in the continental regiments raised in this state, and are supernumeraries.

And be it further enacted by the authority aforesaid, That the persons who have found substitutes in the regiments of horse raised in this state, shall not be liable to any militia duty till the time for which such substitutes were enlisted shall expire, except patrol duty in their respective districts.

And be it further enacted by the authority aforesaid, That the militia and Charlestown battalion of artillery, shall in future, when on actual service, be allowed the following pay, viz. Privates ten shillings per day, corporals eleven shillings and three-pence, serjeants twelve shillings and six-pence, and the commissioned officers the same pay as was allowed in the year one thousand seven hundred and seventy-five, and that a brigade major be allowed the pay of a major of a regiment; the adjutant, quartermaster, and two aid-de-camps to each brigadier, the pay of a captain; and that the brigadiers shall be allowed the same pay as the continental officers of the same rank.

And be it further enacted by the authority aforesaid, That if any disputes shall arise about the construction of this act, they shall be referred to the governor and privy council, whose determination shall be final and conclusive.

And be it further enacted by the authority aforesaid, That in all cases in which the sentence of the court shall be service in the continental line, the commanding officer of the regiment to which the person who shall be so sentenced shall belong, shall send the said person under proper guard, to some continental officer of the troops to be raised by this state, with a certified copy of the said sentence.

And be it further enacted by the authority aforesaid, That all former laws passed for the government of the militia, shall be, and they are hereby repealed, except such parts of this law as relate to the Charlestown battalion of artillery.

And be it further enacted by the authority aforesaid, That this act, and every matter and thing therein contained, shall be, and remain in full force for the space of one year,

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year, and from thence to the then next sessions of the general assembly of this State, and no longer.

*In the SENATE HOUSE, the Twenty-sixth Day of February, in
the Year of our Lord One Thousand Seven Hundred and Eighty-two.*

JOHN LEWIS GERV AIS, President
of the Senate.

HUGH RUTLEDGE, *Speaker of the House of Representatives:*

C. H A P. XIII.

*An ACT for disposing of certain Estates, and banishing certain Persons therein
mentioned.*

W H E R E A S the thirteen British colonies (now the united states of America) were by an act of the parliament of Great-Britain, passed in or about the month of December, in the year of our Lord one thousand seven hundred and seventy-five, declared to be in rebellion, and out of the protection of the British crown; and by the said act not only the property of the colonists, was declared subject to seizure and condemnation, but divers seizures and destruction of their property having been made after the nineteenth day of April, *anno Domini* one thousand seven hundred and seventy-five, and before the passing of the said act, such seizures and destruction were by the said act declared to be lawful. A N D W H E R E A S the good people of these states having not only suffered great losses and damages by captures of their property on the sea, by the subjects of his Britannic majesty, but by their seizing and carrying off much property taken on the land. In consequence of such proceedings of the British crown, and those acting under its authority, the honorable congress of the united states, after due and mature consideration, authorized the seizing and condemnation of all property found on the sea, and belonging to the subjects of Great-Britain, and recommended to the several states in which such subjects had property, to confiscate the same for the public-use; all political connection between Great Britain and the united states, having been dissolved by the separation of these states from that kingdom, and their declaring themselves free and independent of her: In pursuance of which recommendation most (if not all)